

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/540,018 | 03/31/00 | SALFELD | J BBI-0430PACN |

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON MA 02109

HM12/0718

 EXAMINER

SAUNDERS, D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1644 | 6 |

DATE MAILED:

07/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | | | |
|-----------------|----------|----------------|---------------|
| Application No. | 540,018 | Applicant(s) | SALFELD et al |
| Examiner | SAUNDERS | Group Art Unit | 1644 |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 6/28/01.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- Claim(s) 65-82 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) 65-1376-82 is/are allowed.
- Claim(s) 74-75' is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 1644

The disclosure is objected to because of the following informalities: The material entered at page 1 (preliminary amendment 3/31/00) improperly refers to 08/599,226 as a CPA of 08/599,226. Applicant must only once refer to application 08/599,226, with its filing date and its current status (Pat. No. 6,090,382) both indicated.

Appropriate correction is required.

The amendment filed on 6/28/01 (Paper 5) has been entered. Claims 65-82 are pending and under examination.

Claims 74-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 74 and 75 contain improper Markush group members which are not art recognized as autoimmune diseases (i.e. antibodies or T-cells specific for a self-antigen are involved in the etiology of the disease).

Specifically in claim 74, "osteoarthritis" and "gouty arthritis" are not autoimmune diseases. In claim 75 "an allergy" and "nephrotic syndrome" are not autoimmune diseases.

Claims 65-82 contain subject matter allowable over the prior art of record.

This application contains no information disclosure statement. Should applicant desire references of record in parent 08/599,226 to be presently considered, an I.D.S. with Form 1449 is required.

Art Unit: 1644

Any inquiry concerning this communication should be directed to David Saunders at telephone number (703) 308-3976.

D. Saunders:jmr

July 2, 2001

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT ~~182~~ 1644